

REMARKS

The present application contains Claims 1-85, the status of which is as follows:

- (a) Claims 34, 35, 39 and 44 were previously presented;
- (b) Claims 5, 6, 8, 12, 14, 49, 50, 52, and 53 have been currently amended; and
- (c) Claims 1-4, 7, 9-11, 13, 15-33, 36-38, 40-43, 45-48, 51, and 54-85 have been cancelled without prejudice.

No new matter has been added.

Applicants thank Examiners Holmes and Evanisko for the courtesy of a telephonic interview with Applicant's representative, Benjamin M. Fishman (Reg. No. 57,030) held on July 23, 2009. During the interview, the rejection of Claims 5, 6, 8, 12, 14, 49, 50, 52, and 53 under 35 U.S.C. § 112, first paragraph, and the objection to the specification were discussed. The Examiners agreed that replacing all occurrences in these claims of "less than 50 mA" with "less than about 50 mA," as was recited in the claims and specification as originally filed, would overcome the claim rejections under 35 U.S.C. § 112, first paragraph. The Examiners also agreed to withdraw the objection to the specification as failing to provide proper antecedent basis for the claimed subject matter, in light of the passages appearing on p. 4, line 21 – p. 5, line 12 of the specification, as originally filed.

Allowable Subject Matter

Applicants thank the Examiner for allowing Claims 34, 35, 39, and 44.

Claim Rejections Under 35 U.S.C. § 112

Claims 5, 6, 8, 12, 14, 49, 50, 52, and 53 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner argued that there is no support in the specification for the recited combination of frequency, amplitude and power for use on human hearts. The Examiner suggested changing the language of the claim to "less than about 50 mA" to match the language of originally filed Claim 4.

While not necessarily agreeing with this rejection, in order to expedite the issuance of a patent, Applicants have amended Claims 5, 6, 8, 12, 14, 49, 50, 52, and 53 to recite “less than about 50 mA,” as was recited in the claims and specification, as originally filed. Furthermore, Applicants respectfully submit that the specific recited combination of frequency, amplitude, and power was recited in the claims as originally filed, as explained in detail in the Remarks accompanying the Amendment filed on February 10, 2009.

As mentioned above, during the interview with Mr. Fishman, the Examiners agreed that the above-mentioned amendments would overcome the claim rejections under 35 U.S.C. § 112, first paragraph. Applicants thus respectfully submit that Claims 5, 6, 8, 12, 14, 49, 50, 52, and 53 as amended are now in a condition for allowance.

Objection to the Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Applicants respectfully submit that the specification does provide proper antecedent basis, *inter alia*, on p. 4, line 21 – p. 5, line 12. It is noted in particular that the technique is described in this passage of the specification as “a method for defibrillating a heart of a person” (p. 4, line 22).

As mentioned above, during the interview with Mr. Fishman, the Examiners agreed to withdraw this objection to the specification.

Applicants believe the amendments presented hereinabove to be fully responsive to all of the grounds of rejection and objection raised by the Examiner. In view of these amendments and remarks, Applicants respectfully submit that all of the claims in the present application and the specification are now in order for allowance. Notice to this effect is respectfully requested.

Reconsideration and allowance of the claims herein are respectfully requested.

Respectfully submitted,

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